

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
QUARTERLY ENFORCEMENT REPORT
January 1, 2007 through March 31, 2007**

INTRODUCTION

This is the Food Safety and Inspection Service's (FSIS) Quarterly Enforcement Report. The report provides a summary of the enforcement actions FSIS has taken to ensure that products that reach consumers are safe, wholesome, and properly labeled. Although this report focuses on enforcement actions taken, it is important to recognize that this is only one aspect of the Agency's work. The Agency's main purpose is to protect public health by achieving compliance with laws and regulations.

FSIS inspects products produced in more than 6,000 meat, poultry, and egg product plants. Since January 1998, meat and poultry plants have been operating HACCP Systems. Publication of this information is another step in the Agency's commitment to openness and transparency in its work to protect the public from adulterated or misbranded meat, poultry, and egg products.

The report is presented in sections that correspond with the category of action. Activities reported within the categories are either pending or experienced new activity during the reporting period. FSIS also coordinated administrative actions, where regulatory or other authorities were applied in inspected plants and managed USDA participation in criminal cases pending in Federal courts. These actions, along with the thousands of inspections made each day in plants throughout the country, form strong underpinnings for promoting compliance with food safety laws. Each section of this report is described and reported in more detail as follows:

FSIS ENFORCEMENT PROCESSES
NONCOMPLIANCE RECORDS AND APPEALS
PRODUCT CONTROL ACTIONS
NOTICES OF WARNING
ADMINISTRATIVE ACTIONS
CRIMINAL ACTIONS
CIVIL ACTIONS

FSIS ENFORCEMENT PROCESSES

USDA's Food Safety and Inspection Service (FSIS) is charged with ensuring that meat, poultry, and egg products are safe, wholesome, and properly labeled. FSIS, in cooperation with State counterparts, inspects, monitors, and verifies the proper processing, handling, and labeling of meat and poultry products from the delivery of animals to the slaughterhouse until the products reach consumers. FSIS, in cooperation with FDA and the states, provides similar coverage for egg products – the processed whole egg ingredients used in manufacturing other foods. (More information concerning egg products inspection and enforcement is provided in the FSIS publication "[Focus on Shell Eggs](#)" that can be accessed at:

http://www.fsis.usda.gov/Fact_Sheets/Focus_On_Shell_Eggs/index.asp. If FSIS detects problems with any products it regulates, the Agency takes product control and enforcement measures to protect consumers.

USDA conducts monitoring and verification activities at plants that slaughter food animals and process products to ensure that products at these establishments are produced in a sanitary environment and potential food safety hazards are identified and eliminated. These establishments must apply for a grant of inspection from FSIS and demonstrate the ability to meet certain requirements for producing safe, wholesome, and accurately labeled food products. Requirements include meeting sanitation, facility, and operational standards, and having preventive systems in place to ensure the production of safe and unadulterated food. Products from official establishments are labeled with the mark of inspection, indicating that they have been inspected and passed by USDA and can be sold in interstate commerce.

FSIS uses investigators throughout the chain of distribution to detect and detain potentially hazardous foods in commerce and to investigate violations of law. Even if products are produced under conditions that are safe and sanitary, mishandling can occur on their way to the consumer. For example, if foods are transported in trucks that are too warm, or if exposed to contamination, then that can result in product that can cause illness.

FSIS also works closely with USDA's Office of Inspector General (OIG), which assists FSIS in pursuing complex criminal cases. In addition, many state and local jurisdictions have enforcement authorities that apply to USDA-regulated products. FSIS cooperates with these other jurisdictions in investigations and case presentations. FSIS also participates with OIG and the U.S. Department of Justice in monitoring conditions of probation orders and pretrial diversion agreements developed to resolve cases.

This report provides a summary of enforcement actions, including actions that address the Pathogen Reduction/HACCP regulatory requirements FSIS has taken to ensure that products that reach consumers are safe, wholesome and properly labeled. The Agency recognizes that this report is a snapshot in time of a dynamic process. Some information will be out-of-date by the time this report is published. For example, many matters shown as under appeal will have been resolved by the time this report is published. Other actions could be appealed or closed after this reporting period. This information will be updated on a quarterly basis and made available to the public through future reports.

NONCOMPLIANCE RECORDS AND APPEALS

FSIS inspection program personnel perform thousands of inspection procedures each day to determine whether or not inspected plants are in compliance with regulatory requirements. Each time inspection program personnel make a non-compliance determination they complete a report explaining the nature of the regulatory action. They notify plant managers of problems through a written Noncompliance Record (NR).

NRs document noncompliance with FSIS regulations and notify the plant that it must take action to remedy the situation and should take measures to prevent its recurrence. If this is done, then the plant will continue to operate without interruption. Noncompliance reported on NRs vary from minor labeling discrepancies to serious breakdowns in food safety controls. When noncompliance occurs repeatedly, or when the plant fails to prevent adulterated product from being produced or shipped, FSIS takes action to control products and may take an action to withhold or suspend inspection.

During this quarterly reporting period, FSIS performed 2,024,227 verification procedures.

Table 1a provides numbers of NRs issued by FSIS inspection personnel between January 1, 2007 and March 31, 2007. **Table 1b** shows the number of appeals and the dispositions of the appeals filed by plants during this reporting period.

Table 1a. Noncompliance Record Totals

NR Totals

NRs Issued (1/01/07 to 3/31/07): **28,964**

Table 1b. Appeals NRs (1/01/07 to 3/31/07)

Number of Plants Filing Appeals: 424

Appeal of NR Granted	Appeal of NR Denied	Appeal of NR Pending	Total Appeals Resulting In Modified NR	Total NRs Appealed
159	159	24	82	424

PRODUCT CONTROL ACTIONS

FSIS takes product control actions to gain physical control over products when there is reason to believe they are adulterated or misbranded. The actions ensure that those products do not enter commerce or, if they are already in commerce, that they do not reach consumers.

In official establishments, FSIS inspectors may retain products whenever there is evidence of unwholesomeness, or if products are adulterated or mislabeled. FSIS inspectors condemn animals for disease, contamination, or adulteration to prevent their use as human food. Figures for condemnations of livestock for the reporting period are as follows: FSIS inspected 35,494,022 livestock carcasses, of which 61,031 carcasses were condemned. FSIS inspected 2,304,443,222 poultry carcasses of which 14,785,002 carcasses were condemned.

Detentions

FSIS investigators, import officers and other designated FSIS personnel will detain any product that may be adulterated or misbranded when found in commerce. If product cannot be disposed of within 20 days, then FSIS may request any U.S. District or other court to seize the product as provided for in the Federal Meat Inspection Act and Poultry Products Inspection Act. Most detentions result in voluntary disposal of the product and do not require court actions. **Tables 2a., 2b., and 2c.** provide the number of detentions and the pounds of product involved in these actions for meat and poultry products for this quarterly reporting period. Table 2a. provides the information on detentions made by Compliance and Investigations Division (CID), Office of Program Evaluation, Enforcement and Review investigators. Table 2b. provides the detention information for the Office of International Affairs. Table 2c. provides the detention information for the Office of Field Operations.

Table 2a. Detention Summary
(1/01/07 to 3/31/07)

Detentions: CID Regions

Total number of detentions	100
Total pounds of product detained	804,109

	Detentions	Pounds Detained
WESTERN	37	133,332
SOUTHWEST	30	67,262
MIDWEST	3	14,997
SOUTHEAST	22	471,662
NORTHEAST	<u>8</u>	<u>116,856</u>
Totals	100	804,109

Table 2b. Detention Summary
(1/01/07 to 3/31/07)

Detentions: OIA Regions

Total number of detentions	18
Total pounds of product detained	69,183

	Detentions	Pounds Detained
WESTERN (Los Angeles)	13	47,767
SOUTHERN (Miami)	0	0
NORTHERN (Detroit)	0	0
NORTHEAST (Philadelphia)	<u>5</u>	<u>21,416</u>
Totals	18	69,183

Table 2c. Detention Summary
(1/01/07 to 3/31/07)

Detentions: OFO Districts

Total number of detentions	2	
Total pounds of product detained	17,867.5	
	Detentions	Pounds Detained
MINNEAPOLIS	1	22.5
SPRINGDALE	1	<u>17,845</u>
Totals	2	17,867.5

Recalls

A recall is a firm's voluntary removal of adulterated or misbranded products from trade or consumer channels. Class I recalls involve a health hazard for which there is a reasonable probability that the use of the product will cause serious adverse health consequences or death. Class II recalls involve a potential health hazard where there is a remote probability of adverse health consequences from use of the product. Class III recalls involve a situation in which use of the product will not cause adverse health consequences. In cases where a firm decides not to accept the FSIS recommendation and chooses not to conduct a recall, FSIS will detain any product that would have been subject to a recall that it finds in commerce. FSIS, Congressional and Public Affairs (CPA) will issue a press release informing the public that product that appears to be adulterated or misbranded has been shipped by the responsible firm and that the firm has refused to recall it. For current information on recalls, go to the FSIS recalls web page at:

http://www.fsis.usda.gov/Fsis_Recalls/index.asp .

Port-of-Entry Reinspection

FSIS conducts port-of-entry reinspections of imported meat, poultry, and egg products. It is important to note that this activity is a reinspection of products that have already been inspected and passed by an equivalent foreign inspection system. Thus, imported product reinspection is a monitoring activity for verifying on an on-going basis the equivalence of a foreign country's inspection system.

Port-of-entry reinspection is directed by the Automated Import Information System (AIIS), a centralized computer database that generates reinspection assignments and stores results. After clearing U.S. Customs and Border Protection and the Animal and Plant Health Inspection Service (APHIS), every imported meat, poultry, or egg product shipment must be presented to FSIS.¹ When a meat or poultry shipment is presented for reinspection, the AIIS scans its records to verify eligibility. Shipments are denied reinspection and refused entry if the foreign country is not eligible to export to the United States, if the establishment that produced the product has not been certified for export to this country, if the product presented for reinspection is not eligible, if the shipping marks are not unique, or if APHIS has animal health restrictions on the country.

All imported product shipments are reinspected for general condition, labeling, proper certification, and accurate count. In addition, other types of inspection (TOI) may be generated by the AIIS. These could include a physical examination of the product for visible defects, collection of samples for microbiological analysis, sampling for food chemistry analyses, and samples to be analyzed for drug and chemical residues. Shipments are randomly selected for

¹ Egg products are imported only from Canada. Dry egg products may be reinspected at the border or may proceed directly to their destination for reinspection. Liquid egg products are always reinspected at their destination for food safety reasons. Egg product reinspections are presently scheduled separately from meat and poultry, but will be brought under the AIIS.

reinspection using a statistical sampling plan that allocates samples by HACCP process categories. The level of sampling is based on the volume imported from the country within each category. Products that fail reinspection are rejected and must be re-exported, converted to non-human food, or destroyed. Product rejections cause the AIIS to automatically generate an increased rate of reinspection for future shipments of like product from the same establishment.

This HACCP-based sampling approach began in August 2002 as the new AIIS3 system was launched, and was fully implemented in the quarter beginning October 1, 2002. Implementation of AIIS3 provides an opportunity for FSIS to present meat and poultry reinspection data in a new reporting format that has been constructed to better represent reinspection results (**Table 3a**).

This new format is based on pounds of product rather than lots of product because the lotting of product for reinspection is a commercial decision made by the importer or broker, and the term “lot” has no regulatory definition. **Table 3b** presents egg product reinspection results in the same format they appear in past quarters, minus lots for the reason given above. The new reporting format will be applied to these products when they are incorporated into the AIIS3 system. It should be noted that data reports at the end of a fiscal quarter are the best available information for reinspection activities conducted during the preceding three months, but those data are preliminary until all ongoing inspection activities are completed. For example, pending reinspection activities include open TOI’s, in particular samples taken for laboratory analysis, but also could include organoleptic product examinations, and refused entries which may stay open for up to 45 days. A report of quarterly reinspection data will not be “final” until all open entries are closed. These normally small adjustments in past quarter data will be reflected in subsequent quarterly reports.

**Table 3a. Imported Meat and Poultry Products
Pounds of Product by Fiscal Year Quarter**

Presented, Reinspected, and Refused Entry

FY 2007							
Quarter	Presented	Refused ¹	Reinspected	TOIs Perf ²	Accepted	Rejected ³	Combined Rejected and Refused
Q-1 (Oct – Dec)	936,006,746	12,381	110,545,902	12,179	933,240,278	2,754,087	2,766,468
Q-2 (Jan – Mar)	956,440,264	5,068	103,127,147	12,177	954,126,432	2,308,764	2,313,832
Q-3 (Apr – Jun)							0
Q-4 (Jul – Sep)							0
Cumulative Totals	1,892,447,010	17,449	213,673,049	24,356	1,887,366,710	5,062,851	5,080,300

**Table 3b. Imported Egg Products
Pounds of Product by Fiscal Year Quarter**

Presented, Reinspected, and Refused Entry

FY 2007		
QUARTER	PRESENTED	REFUSED ⁴
Q-1 (Oct – Dec)	4,296,089	0
Q-2 (Jan – Mar)	5,870,970	0
Q-3 (Apr – Jun)		
Q-4 (Jul – Sep)		
Cumulative Totals	10,167,059	0

¹ Products are refused reinspection if: (1) the foreign country is not eligible; (2) the foreign establishment is not listed; (3) Animal and Plant Health Inspection Service (APHIS) has placed animal disease restrictions on the country; (4) product presented for reinspection is not eligible; and (5) duplicate shipping marks.

² Types of Inspection (TOI) Performed. The number of reinspection assignments performed during the quarter.

³ Products are rejected if product presented for reinspection fails to meet U.S. import requirements.

⁴ Refused entry and rejected upon reinspection data are collapsed in the present egg products database, but will be separated when this commodity is incorporated into the AIIIS.

NOTICES OF WARNING

FSIS issues Notices of Warning (NOW) for minor violations of law that are not referred to United States Attorneys for prosecution. FSIS may also issue these warnings when a United States Attorney declines to prosecute a case or bring action against a specific business or person. These letters warn that FSIS may seek criminal action based on continued violations. Notices of Warning may be issued to any individual or business, including Federal plants, wholesalers, distributors, restaurants, retail stores and other entities that process, store, or distribute meat and poultry products. **Table 4** shows Notices of Warning issued by the Office of Program Evaluation, Enforcement and Review (OPEER) headquarters office and by each of the CID Regions during the reporting period.

**Table 4. Notices of Warning for Criminal Actions
(1/01/07 to 3/31/07)**

Notices of Warning for Criminal Violations

Total number of NOWs issued for violations:	213
Number issued by Headquarters:	2
CID Region	Number of NOWs Issued by Region
WESTERN	54
SOUTHWEST	33
MIDWEST	30
SOUTHEAST	46
NORTHEAST	48
Total number issued	<hr/> 211

ADMINISTRATIVE ACTIONS

FSIS inspects meat and poultry products and applies the marks of inspection when inspectors are able to determine that products are not adulterated. FSIS may temporarily withhold the marks of inspection from specific products, suspend inspection, or withdraw a grant of inspection if a plant is not meeting regulatory requirements.

Effective January 25, 2000, FSIS amended its Rules of Practice that apply to Agency enforcement actions. The Rules of Practice, which are located in 9 CFR Part 500, define each type of enforcement action FSIS can take, the conditions under which it is likely to take these actions, and the procedures FSIS will follow in doing so.

Withholding the Marks of Inspection

If a plant fails to prevent preparation and shipment of adulterated products or develops a pattern of noncompliance showing the plant's sanitation or process control systems have failed, FSIS may notify plant managers that the USDA mark of inspection is being withheld from some or all of the products in the plant. This action effectively shuts down affected operations, because it is illegal to sell products in commerce that do not bear the USDA mark of inspection. Other non-affected parts of the plant, if any, may still operate.

Suspension of Inspection

FSIS may temporarily suspend the assignment of inspectors if a plant fails to prevent preparation and shipment of adulterated products, fails to present a corrective action plan to bring the plant sanitation or process control systems into compliance, or for other reasons specified in the Rules of Practice. As with withholding actions, a suspension shuts down all or part of the plant's operations. USDA may place the suspension in abeyance if corrections are presented, put into effect, and effectively prevent additional problems. FSIS District Offices have established procedures to monitor and verify a plant's corrective and preventive actions.

Notification to Establishments of Intended Enforcement Actions

FSIS has an established procedure to notify establishments of intended enforcement actions related to certain types of noncompliance that have not resulted in actual shipment of adulterated products. Under this procedure, a notice is issued to an establishment when the Inspector-in-Charge determines that the establishment has experienced multiple, recurring noncompliances, or for other reasons, as specified in the Rules of Practice, the establishment has failed to implement

adequate corrective and preventive measures. The Notice informs the establishment of the nature and scope of the noncompliance and that FSIS intends to withhold the marks of inspection or suspend the assignment of inspectors. The Notice explains the basis of and references documentation for the intended enforcement action, and provides the establishment three business days to contest the basis for the proposed enforcement action or to demonstrate how compliance has been or will be achieved. In appropriate situations, USDA may defer a decision based on corrections submitted by the establishment.

Withdrawal of Inspection

In some situations, FSIS may decide that it is necessary to withdraw inspection from a plant. In these cases, FSIS withdraws inspection from a Federal plant by filing a complaint with the USDA Hearing Clerk. The plant may request a hearing before an Administrative Law Judge. If the action is based on insanitation, the plant will remain closed while proceedings go forward. In other cases that do not involve a threat to public health, operations may continue. These actions may be resolved by FSIS and the plant entering into a consent decision, which allows the plant to operate under certain specified conditions. Once inspection is withdrawn, a closed plant must reapply to receive Federal inspection.

As specified in the Rules of Practice, USDA may initiate withholding, suspension, or withdrawal actions to limit a plant's slaughtering or processing, or prevent the plant from operating altogether, based on reasons related to the PR/HACCP regulations such as:

- failure to collect and analyze samples for the presence of generic *E. coli* and record test results,
- failure to develop or implement Sanitation Standard Operating Procedures, or
- failure to develop or implement a required HACCP plan.

In addition, USDA may initiate a withholding, suspension, or withdrawal action for other reasons such as:

- failure to meet “sanitation performance standards,”
- insanitary conditions,
- inhumane handling or slaughtering of livestock,
- failure to destroy condemned product, or
- interference with inspection personnel.

Tables 5, 6, and 7 list administrative actions (other than actions based on convictions) by establishment, initiated, pending, or closed, for the period, along with whether the action is based on an SSOP or HACCP Systems failure, or for some other reason, such as inhumane handling.

In some plants, FSIS may find more than one basis for taking enforcement action or may take more than one action. For example, the plant has sanitation problems and is not conducting *E. coli* testing or a sanitation problem occurs more than once. These tables list actions taken at large, small, and very small plants. The enforcement action can be for any of the identified reasons. During this period, activity is reported concerning 139 plants. Forty-three of the actions in these plants were initiated during this reporting period. Fifty-seven were closed by letters of warning or other means during this period.

Tables 5, 6, and 7 also identify those cases in which an appeal of the suspension action may have been made, along with whether the appeal was granted or the administrative action was sustained (appeal denied). When decisions on appeals have not been made during the period of this report, the appeal is shown as pending and will be reported in the next quarterly report.

There was one appeal of suspension action filed during this period.

Table 5. Administrative Actions: Large HACCP Plants
(1/01/07 to 3/31/07)

Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
CASE FARMS OF NC, INC. 00419 P MORGANTON, NC	4/20/06	4/28/06			X	X	X					1/12/07	
	3/1/07		3/8/07	3/9/07	X	X	X						
			3/15/07	3/17/07	X	X	X						On 3/15/07, suspension was reinstated.
CLOUGHERTY PKG. CO 00360 M00360 P VERNON, CA			9/7/06	9/7/06				X					
			9/8/06	9/8/06				X					On 9/8/06, suspension was reinstated.
CRIDER POULTRY INC. 06519 M06519 P STILLMORE, GA	2/26/07				X	X							
GOLD KIST INC. 00040 P ELLIJAY, GA	3/29/06	4/21/06			X	X	X					2/28/07	
GREATER OMAHA PACKING COMPANY 00960 M OMAHA, NE	2/9/07	2/20/07				X							
KOCH FOODS LLC 19152 P MORRISTONW, TN	2/28/07	3/9/07			X	X							
KOCH FOODS OF MISSISSIPPI, INC. 00308 P MORTON, MS	4/21/06	5/10/06			X	X	X					3/5/07	

ABBREVIATION KEY	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
MORONI FEED COMPANY 00751 M01049 P MORONI, UT			9/19/05	9/20/05					X			1/22/07	
MOUNTAIRE FARMS OF NORTH CAROLINA 07470 P LUMBER BRIDGE, NC	2/2/07	2/22/07			X	X							
MOUNTAIRE OF DELMARVA 00003 P MILLSBORO, DE	7/25/06	8/4/06			X	X	X					2/5/07	
NEBRASKA BEEF, LTD. 19336 M OMAHA, NE	8/3/06	8/14/06			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
PILGRIM'S PRIDE CORP OF DELAWARE 13485 P FARMERVILLE, LA	9/9/05	9/30/05			X	X	X					2/8/07	
TYSON FOODS INC.. 01362 P NOEL, MO	5/18/06	6/23/06			X	X							
TYSON FRESH MEATS 00244I M LOGANSPOUT, IN	3/19/07				X	X	X						
TYSON FRESH MEATS INC. 00245D M EMPORIA, KS						X				X			On 12/23/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
TYSON FRESH MEATS INC. 00245L M LEXINGTON, NE						X				X		2/12/07	On 3/10/05, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
TYSON FRESH MEATS INC. 09268 M PASCO, WA						X				X			On 7/28/04, a withholding action concerning labels for Advanced Meat Recovery System product was taken in accordance with 9 CFR Part 500.8.
	10/20/06	12/11/06								X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).

ABBREVIATION KEY

SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Large HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
WASHINGTON BEEF LLC 00235 M00235 P TOPPENISH, WA	7/5/06	7/26/06			X	X	X			X		2/2/07	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
WAYNE FARMS, LLC 33890 M33885 P DECATUR, AL	3/5/07	3/15/07			X	X							

ABBREVIATION KEY	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

**Table 6. Administrative Actions: Small HACCP Plants
(1/01/07 to 3/31/07)**

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
21ST CENTURY FOODS LTD 31588 M31588 P SAN ANTONIO, TX	11/29/06	12/7/06			X	X	X						
ARCK FOODS 05578 M05578 P LINCOLN, NE	11/27/06	12/1/06				X						3/14/07	
ASK FOODS, INC. 09551 M08410 P PALMYRA, PA	3/14/07	3/28/07			X	X	X						
AURORA PACKING COMPANY, INC. 00788 M NORTH AURORA, IL	9/29/06	10/6/06				X				X		1/8/07	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
BALLARD FARM 02108 M00132 P WAYNE, WV	10/26/06		11/6/06	11/17/06	X	X	X					3/21/07	
BENEDETTI FARMS INC. 18216 M18216 P SONOMA, CA	2/28/07		3/2/07	3/16/07	X	X	X						
BIERIG BROTHERS, INC. 05430 M VINELAND, NJ	2/2/07	2/16/07			X	X							
BOOKER PACKING COMPANY 07162 M BOOKER, TX			10/17/06	10/18/06				X					
			2/12/07	2/12/07				X		X	2/27/07		On 2/12/07, suspension was reinstated. On 2/27/07, the DM issued a letter rescinding the Reinstatement of Suspension. The case is closed.

ABBREVIATION KEY	
SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
BRUCE PAC CORP 09267 M09267 P WOODBURN, OR	11/17/06					X					1/11/07		On 1/11/07, the DM issued a letter rescinding the NOIE. The case is closed.
BUTTERFIELD FOODS, INC 06945 M06945 P NOBLESVILLE, IN	3/29/07				X	X							
C.W. BROWN & COMPANY 08871 M MOUNT ROYAL, NJ			8/9/05			X							
CABRITO MARKET, INC 21530 M MISSION, TX	3/15/07	3/22/07				X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
CARNICERIA ALEMAN 32036 M32036 P SALT LAKE CITY, UT						X				X		3/30/07	On 3/22/07, a withholding action was taken.
CAROLINA CULINARY FOODS 19676 M19676 P WEST COLUMBIA, SC	3/15/07	3/26/07			X	X	X						
CASE PORK ROLL, INC. 00185 M TRENTON, NJ	10/26/06	11/8/06			X	X	X					1/30/07	
CHUNG'S PRODUCTS LP 13218 M13218 P HOUSTON, TX	12/1/06	12/7/06			X	X						3/26/07	
CRAVE ENTERPRISES, INC. 27348 M27348 P LOS ANGELES, CA			6/1/06	6/23/06	X		X						
DAY-LEE FOODS, L.P. 17309 M17309 P SANTA FE SPRINGS, CA	5/16/06	6/7/06	10/18/06	1/24/07	X	X							
E.N.A. MEAT PACKING, INC. 17778 M17778 P PATERSON, NJ	12/12/05	12/23/05	3/14/06	3/24/06	X	X						3/8/07	
			6/29/06	7/5/06	X	X						3/8/07	On 6/29/06, suspension was reinstated.

ABBREVIATION KEY

SPS	Sanitation performance standards
INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
FALTER PACKING CO 21054 M21054 P COLUMBUS, OH	10/24/06	11/17/06			X	X	X					3/23/07	
FORMOSA MEAT COMPANY, INC. 08256 M08256 P RANCHO CUCAMONGA, CA	3/9/07	3/19/07			X	X	X						
FULTON PROCESSORS INC 00930 P FULTON, CA	2/21/07	3/23/07			X	X	X						
G AND G POULTRY INC. 27425 P BIRDSBORO, PA	9/27/06	10/13/06			X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
GEORGE G. RUPPERSBERGER AND SONS INC. 05931 M BALTIMORE, MD	9/1/06	9/8/06				X	X					1/3/07	
H.J. HEINZ CO L.P. 09384 M09384 P KING OF PRUSSIA, PA	3/13/07				X		X						
HAGEMANN MEAT CO. 08292 M08292 P SANTA ROSA, CA	2/15/06	3/16/06	8/4/06	8/8/06	X	X						2/14/07	
HAIN CELESTIAL GROUP INC. 01251 M09744 P WEST CHESTER, PA	1/5/07	2/8/07			X	X	X						
HONEYBAKED FOODS, INC 15875 M15875 P HOLLAND, OH			11/29/06	12/8/06		X						2/15/07	
IMPERIAL MEAT COMPANY 04847 M04847 P MONTEREY PARK, CA			2/15/07	2/17/07	X		X						
IOWA QUALITY MEATS 08177 M08177 P CLIVE, IA	12/28/06					X				X	1/5/07		The plant appealed the NOIE. On 1/5/07, the DM issued a letter rescinding the NOIE. The case is closed.

ABBREVIATION KEY

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INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
J F O'NEILL PACKING CO. 00889A M OMAHA, NE	10/20/06	10/30/06				X							
JIM'S FARM MEAT 06113 M06113 P ATWATER, CA			7/20/06	7/21/06				X				1/11/07	
KOCH FOODS OF ALABAMA, LLC 06529 P MONTGOMERY, AL	11/30/06	12/13/06			X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
KONANYAN MEATS 00645 M02401 P LOS ANGELES, CA	10/17/06	11/2/06			X	X	X						
LET'S DO LUNCH, INC. 19056 M19056 P GARDENA, CA			6/1/05	6/14/05	X	X						2/26/07	
LOCAL PRIDE L.L.C. 04653G M GORDON, NE	1/9/06	1/19/06			X	X						3/19/07	
LORENTZ ETC. INC. 21207 M21207 P CANNON FALLS, MN	10/17/06	10/27/06			X	X						1/26/07	
LOWER FOODS INC. 00828 M00966 P RICHMOND, UT	12/16/05	1/31/06			X	X	X						
MCGREEVY'S MID-WEST MEAT CO. 05541A M05541A P WICHITA, KS	10/18/06	11/2/06			X	X	X					2/14/07	
MEADOW FARMS SAUSAGE COMPANY 06028 M06028 P LOS ANGELES, CA	9/1/06	9/13/06			X	X							
MINNESOTA BEEF INDUSTRIES, INC. 17466 M BUFFALO LAKE, MN	9/21/05	9/29/05				X							

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Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
NDK FOODS, INC. 17427 M17427 P BELL GARDENS, CA			9/7/06	9/29/06	X		X						
NORTHERN PACKING COMPANY INC. 00571 M BRIAR HILL, NY	12/9/05	12/23/05			X	X	X			X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
NU MEAT PACKING INC. 05369 M05369 P SAN JUAN, PR	1/5/07	1/25/07			X	X							
OLD SETTLER'S JERKY INC. 09875 M09875 P COVINA, CA			4/25/06	4/29/06	X		X						
			7/25/06	7/28/06	X		X						On 7/25/06, suspension was reinstated.
OLD WORLD PROVISIONS, INC. 00595 M08447 P ALBANY, NY	12/13/06	1/10/07			X	X	X						
ORVAL KENT FOOD COMPANY, INC. dba CHEF SOLUTIONS 02499 M02499 P WHEELING, IL	9/15/06	10/6/06	1/22/07	2/13/07	X	X	X						
PAP'S LOUISIANA CUISINE, INC. 13581 M13581 P PRAIRIEVILLE, LA	11/15/06	12/8/06	1/4/07		X	X	X						On 1/5/07, DM closed case by firm's requested voluntary withdrawal.
PETE'S FOOD PRODUCTS 04172 M LOS ANGELES, CA			12/27/06	1/3/07					X				
PHILADELPHIA PRE-COOKED STEAK CO. 17767 M17767 P PHILADELPHIA, PA	3/15/07	3/26/07				X							

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LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
PILGRIM'S PRIDE 06719 P CHATTANOOGA, TN	3/14/07	3/22/07			X	X							
PITMAN FARMS, INC. 27389 M27389 P SANGER, CA	5/3/06	5/10/06			X	X	X			X		3/30/07	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
POCINO FOOD CO. 06261 M06261 P CITY OF INDUSTRY, CA	12/23/05	2/1/06			X	X						1/29/07	
R.A.B. FOOD GROUP LLC 01406 M00761 P NEWARK, NJ			3/16/07		X		X						
RAMAR INTERNATIONAL 17480 M17480 P PITTSBURG, CA	9/29/06	10/11/06			X	X	X					3/16/07	
RESSLER'S FOOD PRODUCTS CO. 01524 M01524 P PHILADELPHIA, PA	3/9/07	3/20/07			X	X	X						
ROYAL SAUSAGE CO 08069 M08069 P PELL CITY, AL	8/9/06	9/6/06			X	X	X					1/17/07	
SCALA PACKING CO., INC. 01731 M CHICAGO, IL	3/23/07				X	X							
SIERRA MADRE FOODS 06009 M MONTEREY PARK, CA			1/18/05	1/24/05			X						
SOUTHEASTERN MEATS 07953 M07953 P CHATTANOOGA, TN	9/14/06	9/25/06			X	X	X					1/22/07	
SOUTHERN PRIDE MEAT COMPANY, INC. 19741 M GOLDSBORO, NC	9/22/06	10/4/06			X	X	X			X		3/8/07	Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).

ABBREVIATION KEY

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INH	Inhumane treatment/slaughter
INT	Interference/Assault
LOI	Letter of Information
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Administrative Actions Pending or Taken at Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Etab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
SPECIALTY BRANDS, INC. 01905 M09205 P RIVERSIDE, CA			9/28/06	10/2/06			X						
TECUMSEH POULTRY 20251 P TECUMSEH, NE	5/11/06	5/17/06			X	X							
TY RY INCORPORATED 08132 M08132 P ROCKLIN, CA	6/22/06	7/20/06			X	X						2/9/07	
U.S. CHOICE, INC. 04128 M04128 P LOS ANGELES, CA			10/19/06	10/30/06					X				
VIETTI FOODS COMPANY 00642 M00642 P NASHVILLE, TN	2/1/07	2/14/07				X							
WARABEYA U.S.A., INC., dba TOKYO BENTO NICHIO 12444 M12444 P HONOLULU, HI	10/13/06	11/2/06			X	X						3/19/07	
WILL POULTRY COMPANY 04648 M04648 P BUFFALO, NY			11/29/06	12/8/06	X	X	X					2/26/07	
WILLIAMS SAUSAGE 07455 M UNION CITY, TN	11/27/06	12/14/06			X	X	X						

ABBREVIATION KEY	
SPS	Sanitation performance standards
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INT	Interference/Assault
LOI	Letter of Information
LOW	Letter of Warning

**Table 7. Administrative Actions: Very Small HACCP Plants
(1/01/07 to 3/31/07)**

Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]													
Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					SSOP	HACCP	SPS	INH	INT	Other	LOI	LOW	
AKOPYAN FOOD DISTRIBUTION 20960 M20960 P MONTEBELLO, CA			1/26/07		X	X							On 2/2/07, DM closed case by firm's requested voluntary withdrawal.
ASIA FOODS INC. 31964 M31964 P MONTEREY PARK, CA			7/7/06	7/13/06	X		X					1/5/07	
			8/17/06		X		X					1/5/07	On 8/17/06, suspension was reinstated.
BACH CUC BEEF JERKY 18995 M18995 P SOUTH EL MONTE, CA	7/5/06	7/18/06			X	X							
BASKIN BROWN'S MEAT LOCKER, INC. 07055 M07055 P STRATFORD, TX	11/27/06	12/8/06				X							
BAVARIAN MEAT PRODUCTS, INC. 06431 M06431 P SEATTLE, WA	10/12/06	11/3/06			X	X	X					3/19/07	
BILLINGS MEATS & PROCESSING 20586 M GORDO, AL	3/15/07				X	X							
CECINA LOS AMIGOS 21653 M21653 P CARSON, CA			6/14/06	7/18/06	X	X							
CHERAW PACKING PLANT, INC. 18237 M18237 P CHERAW, SC	12/7/06	12/20/06			X	X						2/26/07	

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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
CHINA MEAT PRODUCTS INC. 09306 M MONTCLAIR, CA			8/30/06	9/5/06		X						1/12/07	
COAST PACKING CO. 00724A M00724A P COLTON, CA			9/15/06	9/21/06			X						
COASTAL FOODSERVICE & PROVISION 17386 M17386 P PROVIDENCE, RI			2/1/07	2/1/07		X							
COLONIAL MEATS INC. 06427 M06427 P OLYMPIA, WA	9/27/06	10/4/06			X	X	X					3/21/07	
COUNTRYSIDE QUALITY MEATS, L.L.C. 10147 M10147 P UNION CITY, MI	10/31/06	11/9/06			X	X	X						
E.G. FOODS 17375 M17375 P BROOKLYN, NY			7/26/06	8/22/06		X						2/26/07	
FARABEE'S FARM FRESH MEATS INC. 19883 M19883 P MARICOPA, AZ			8/18/06	8/20/06				X				1/23/07	
G&W MEAT & BAVARIAN STYLE SAUSAGE CO. 08713 M08713 P ST. LOUIS, MO	10/5/06	10/26/06			X	X	X			X			The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
GIBSON PACKING COMPANY 05843 M05843 P SEYMOUR, MO	9/21/06	10/20/06			X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli). The enforcement action included, as a basis, failure of the establishment to comply with Agency requirements concerning specified risk material.
GRILLER'S PRIDE, LLC 31952 M31952 P DORAVILLE, GA	1/25/07				X	X				X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).

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LOI	Letter of Information
LOW	Letter of Warning

Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
GRIZZLY'S CUSTOM CUTTING 21554 M21554 P HUNT, NY	5/10/05		5/23/05	8/17/05		X							
			10/5/05	5/23/06		X							On 2/16/06, an appeal was received. The appeal was denied on 3/31/06. On 10/5/05, suspension was reinstated.
INDIAN VALLEY MEATS, INC. 18154 M18154 P INDIAN, AK	9/14/06		10/13/06	10/27/06	X	X	X		X				On 11/9/06, plant appealed the suspension. On 3/15/07, plant's appeal was denied.
J.M. PACKING, CO. 19804 M19804 P PONCE, PR			11/21/05	2/28/06	X	X							
JOS. SANDERS, INC. 10269 M CUSTER, MI	12/1/06	12/15/06			X	X							
KIOWA LOCKER SYSTEMS 21585 M21585 P KIOWA, KS	1/17/07				X	X							
KOLOB PACKING L.L.C. 19610 M19610 P BURLEY, ID			12/16/05					X					On 02/27/06, DM closed case by firm's abandonment of inspection services, in accordance with FSIS Notice 25-03.
KUBISCH SAUSAGE CO. 10116 M10116 P SHELBY TWP, MI	3/1/06	3/27/06			X	X							
			10/26/06	10/27/06					X			2/22/07	
LE GOURMET LORRAIN INC 06604 M06604 P HYATTSVILLE, MD	1/3/07	1/16/07	2/1/07		X	X							
LOS GALLEGUITOS CORP 05447 M20142 P UNION CITY, NJ			8/16/06	9/15/06		X							

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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
MAYAR'S HALAL MEAT PROCESSING 21595 M21595 P LIVINGSTON, CA			7/21/06	7/26/06					X				
			11/29/06	12/4/06					X				On 11/29/06, suspension was reinstated.
MICKELSEN PACKING INC 11070 M11070 P BLACKFOOT, ID	1/10/07	2/5/07			X	X	X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
MICROWARE ROASTERS INC 31770 M SELMA, AL	2/26/07	3/6/07			X	X	X						
MITCHELL MEAT COMPANY 07295 M07295 P CHILLICOTHE, MO	12/5/06	1/11/07				X							
MOY'S MEAT MARKET, INC. 02796 M02796 P BROOKLYN, NY			6/19/06	6/28/06	X		X					1/10/07	
NATURE FRESH FARMS, INC. 04038 M04038 P EVINGTON, VA	10/3/06	10/13/06			X	X						2/5/07	
P.E. & F. INC. 13051 M13051 P ST LOUIS, MO	3/29/06	4/20/06	5/30/06	6/23/06	X	X						1/9/07	
			11/1/06	11/9/06	X	X						1/9/07	On 11/1/06, suspension was reinstated.
PACFOODS, USA 09889 M09889 P HAYWARD, CA			8/26/02	10/17/02	X	X							
			10/23/02		X	X							On 10/23/02, suspension was reinstated.

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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
PRAIRIE PACKING INC. 07644 M07644 P WILLISTON, ND	3/30/07				X	X	X						
R&P GOURMET FOOD PROCESSING, INC. 22002 M22002 P CARLOS, MN	11/30/06	12/8/06			X	X							
RICHARDSON CHICKEN FARM 10830 P WHITE MARSH, MD	2/12/07	3/15/07			X	X							
SEISHIN FARM SAIPAN INC. 00754 M SAIPAN, MP			9/29/05	10/20/05	X	X							On 1/1/07, DM closed case by firm's abandonment of inspection services, in accordance with FSIS Notice 25-03.
SHANGHAI EGG ROLLS 19212 M19212 P BECKLEY, WV	2/12/07		3/5/07		X	X	X						
SNOW HILL PROCESSING 09075 M09075 P CHESTERFIELD, SC	12/30/05	1/17/06	8/21/06	8/22/06				X				2/1/07	
SPECIAL AMERICA'S BBQ 11179 M OPA-LOCKA, FL			12/13/05			X							
SUENO, LLC 20538 M20538 P PITTSBORO, NC	3/12/07		3/21/07		X	X							
TROY PORK STORE 04359 M TROY, NY	6/30/05		7/14/05	6/12/06	X	X						3/1/07	
ULEN LOCKER 31916 M31916 P ULEN, MN	11/17/06	11/30/06			X	X	X						
UNCLE LOUIE SAUSAGE CO. 12449 M12449 P KAHULUI, HI	12/15/05	1/18/06			X	X	X					2/27/07	

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Administrative Actions Pending or Taken at Very Small HACCP Plants [includes actions initiated in prior quarters]

Establishment/ Estab. Number Location	NOIE	Deferral	Suspension In Effect	Suspension in Abeyance	Basis for Action						Closure		Appeals and Actions
					<u>SSOP</u>	<u>HACCP</u>	<u>SPS</u>	<u>INH</u>	<u>INT</u>	<u>Other</u>	<u>LOI</u>	<u>LOW</u>	
UNION SLAUGHTER HOUSE, INC. 13189 M DEL RIO, TX			2/14/07	2/15/07				X					
USA PORK PACKERS, INC. 20760 M20760 P HAZELTON, PA	2/14/07	3/7/07			X		X			X			Plant failed to meet regulatory requirements for Escherichia coli Biotype 1 (E. coli).
WENNEMAN MEAT CO. INC. 27499 M27499 P ST. LIBORY, IL	1/22/07	2/1/07			X	X	X						
WHITT'S BARBECUE 07302 M07302 P ANTIOCH, TN	12/6/06	12/15/06			X	X							

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INT	Interference/Assault
LOI	Letter of Information
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Formal Adjudicatory Actions for Food Safety

Under the statutes it administers, FSIS can, in appropriate cases, move to withdraw grants of federal inspection from plants and plant owners based on the failure of a recipient of inspection service to meet critical sanitation and food safety regulatory requirements [e.g., Sanitation Standard Operating Procedures (SSOP) or Hazard Analysis and Critical Control Point (HACCP) system regulations] necessary to protect the public health. In some situations, FSIS also can seek to deny inspection service to an applicant for failure to meet certain food safety regulatory requirements. These actions are taken in accordance with the FSIS Rules of Practice (9 CFR Part 500) and Department regulations governing formal adjudicatory proceedings (7 CFR Part 1, Subpart H). Plants and plant owners are provided with the opportunity for a hearing before a federal administrative law judge. **Table 8** identifies refusal and withdrawal actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There were no actions initiated during this reporting period.

Table 8. Food Safety Adjudicatory Actions
(1/01/07 to 3/31/07)

Formal Adjudicatory Actions Pending or Taken for Food Safety

[includes actions initiated in prior quarters]

Establishment	Complaint to Deny/Withdraw Inspection	Hearing	Consent Order	Decision and Order	Actions
FRANK CRAIG JEAN CRAIG d/b/a FRANK'S WHOLESALE MEATS 07741 M SAN BERNARDINO, CA	04/12/05	10/24/06		10/26/06	On March 29, 2007, the USDA Judicial Officer issued an Order Denying Petition to Reconsider. On March 27, 2007, FSIS filed a response in opposition to Frank's Wholesale Meats' March 9, 2007, Petition for Reconsideration to the USDA Judicial Officer. On February 21, 2007, the USDA Judicial Officer issued a Decision and Order upholding the initial Decision and Order issued by the ALJ on October 26, 2006. On December 8, 2006, FSIS filed a response in opposition to Frank's Wholesale Meats' November 22, 2006, appeal to USDA's Judicial Officer. On October 26, 2006, an Administrative Law Judge (ALJ) granted the Agency's requested relief and issued a Decision and Order (Order) suspending the firm's inspection service for an indefinite and unlimited time after FSIS conducted an administrative hearing before the ALJ on October 24 and 25, 2006. On April 12, 2005, FSIS filed a complaint to indefinitely suspend inspection service based on an incident of interference and intimidation upon a FSIS official.

Withdrawal for Unfitness

Under the statutes it administers, FSIS also can move to withdraw inspection, after opportunity for a hearing, based on the unfitness of an applicant for or a recipient of inspection because of a felony conviction or more than one violation involving food. Actions pending or taken (other than outstanding consent decisions) are reported. **Table 9** identifies actions pending or taken (other than outstanding consent decisions) on this basis for this reporting period. There were two unfitness actions initiated this reporting period.

Table 9. Withdrawal for Unfitness
(1/01/07 to 3/31/07)

Administrative Actions Pending or Taken for Unfitness [includes actions initiated in prior quarters]

Establishment	Complaint to Deny/Withdraw Inspection	Consent Order	Decision and Order	Action Summary
ALMACENES DE TEJAS, L.P. d/b/a ADT, AND ALLEN JACKSON HAUSMAN 17083 M SAN ANTONIO, TX	3/15/07			On March 15, 2007, FSIS filed a complaint to withdraw voluntary reimbursable inspection service based on the conviction of the corporation, and its president, of two (2) each misdemeanor counts related to food.
BLUE RIDGE POULTRY OF ATHENS, INC. AND ROBERT T. HARRIS, JR. 08307 P ATHENS, GA	3/15/07			On March 15, 2007, FSIS filed a complaint to withdrawal inspection service based on the conviction of the corporate president on three (3) misdemeanor counts related to food.

Removing Exempt Privilege

The meat and poultry laws exempt certain custom, retail, or other operations from inspection. For example, custom exempt businesses slaughter animals or poultry, or process meat and poultry for owners of the animals or products. When insanitary conditions create health hazards, FSIS may remove custom or other exempt privileges through issuance of a Notice of Ineligibility (complaint), and require the business to cease operations until sanitary conditions are restored. FSIS can also take action when custom or other exempt facilities fail to properly label product as "Not for Sale." These exempt businesses have the opportunity to correct violations prior to such actions, contest the basis for such actions at hearings, and to enter settlement agreements (consent orders) to resolve actions. **Table 10** lists exempt actions pending or taken (other than outstanding consent orders) on this basis for this reporting period. There were no new actions initiated this reporting period.

Table 10. Exempt Actions
(1/01/07 to 3/31/07)

Administrative Actions Taken at Exempt Facilities

Name	Complaint Served	Consent Order	Decision and Order	Action Summary
CARROLL L. SCHISLER, SR. AND CARROLL L. SCHISLER, JR. NEW WINDSOR, MD	04/21/06			On April 20, 2006, a Notice of Ineligibility to conduct custom exempt operations was issued to the firm. A pending administrative hearing is unscheduled at this time.

[FSIS Adjudications](#)

CRIMINAL ACTIONS

If evidence is found that a person or business has engaged in violations of the Federal Meat Inspection Act, Poultry Products Inspection Act, or Egg Products Inspection Act, USDA may refer the case to the appropriate United States Attorney to pursue criminal prosecution. Conviction for a criminal offense can result in a fine, imprisonment, or both. **Table 11** lists criminal actions and criminal cases in categories according to the status of the case, which may be indictment or information issued, pleas, convictions, or acquittals, and sentences rendered during this reporting period.

Table 11. Criminal Actions
(1/01/07 to 3/31/07)

Criminal Actions

Name	Indictment	Information	Plea	Sentencing	Action Summary
ANSTINE ENTERPRISES, INC. dba KINGSVILLE HOG MARKET AND RICK D. ANSTINE, AND QUEEN'S MARKET, LLC AND KIM HUE HUYNH AND NHAN PHU PHAM KANSAS CITY, MO	08/24/06				On August 24, 2006, in the U.S. District Court for the Western District of Missouri, Mr. Rick D. Anstine and Anstine Enterprises, Inc. dba Kingsville Hog Market, and Kim Hue Huynh and Nhan Phu "John" Pham and Queen's Market LLC, were indicted on twenty-two (22) counts of conspiring to commit mail fraud, violate the FMIA, distribute adulterated food, and offer for sale uninspected and inedible food.

PRE-TRIAL DIVERSION AGREEMENTS

In certain situations, United States Attorneys may enter into Pre-Trial Diversion (PTD) agreements. Under these agreements, the government agrees not to proceed with criminal prosecution if the alleged violator meets certain terms and conditions. The terms and conditions of a PTD are tailored to fit each individual case. FSIS frequently monitors these agreements so that it can assist the United States Attorneys in determining whether prosecution should be re-instituted. If the diverttee successfully completes the program, no criminal charges are filed. If, on the other hand, the diverttee does not successfully complete the program, criminal charges may be reinstated. There were no pre-trial diversion agreements this quarter.

CIVIL ACTIONS

FSIS also has authority to seek a variety of civil actions and case dispositions in Federal Court.

Seizures

When FSIS has reason to believe distributed products are adulterated, misbranded, or otherwise in violation of law, the Agency will, through the USDA Office of the General Counsel and United States Attorney, institute a seizure action against the product. The product is held pending an adjudication of its status. If the court finds that the product is adulterated, misbranded, or otherwise in violation of FSIS laws, it will condemn the product. Condemned product cannot be further processed to be used for human food. **Table 12** lists seizure actions and seizure cases. There were no seizure actions initiated during this reporting period.

Injunctions

FSIS, through the U.S. Attorney, may request a U.S. District Court to enjoin ongoing or repetitive violations of the FMIA, PPIA, or EPIA. The Agency seeks injunctions to stop, for example, uninspected retail stores from processing products without required inspection for wholesale business or to prevent or restrain other violations of law. **Table 13** lists civil actions and civil cases. There was one injunction initiated during this reporting period.

**Table 13. Civil Actions
(1/01/07 to 3/31/07)**

Civil Actions

Name	Complaint	Injunction	Action Summary
ASIAN MARKET SUHN MEAS AND KAY-GWO ZHANG, OWNERS LANCASTER, PA.		2/7/07	On February 7, 2007, in the United States District Court for the Eastern District of Pennsylvania, a Consent Decree and Judgment was entered permanently enjoining Ms. Suhn Meas and Mr. Kay-Gwo Zhang, Owners, from purchasing, transporting, selling, offering for sale meat food products that are misbranded. The court stated that if additional violations are found by the Food Safety and Inspection Service, that the market could be fined \$100 for each package of violative product, and any subsequent violations could result in a fine of \$500 per package of product.

False Claims Act and Other Actions

The Department of Justice Affirmative Civil Enforcement (ACE) program is used by U.S. Attorneys to recover damages when a violation of law involves fraud against the Federal government. Under the False Claims Act, the government may recover three times its estimated losses. FSIS typically seeks action under this program for cases involving products, not in compliance, sold to the military, to public schools engaged in the school lunch program, or to other Federal institutions. **Table 14** lists ACE actions and other cases involving civil enforcement or settlement. There were no ACE program or other civil case actions reported for this period.

FOR MORE INFORMATION:

Media Inquiries:	(202) 720-9113
Freedom of Information Act Requests:	(202) 720-2109
Congressional Inquiries:	(202) 720-3897
Constituent Inquiries:	(202) 720-9113

Consumer Inquiries:	Call USDA's Meat and Poultry Hotline at 1-888-674-6854 or 1-800-256-7072 for the hearing impaired, 10 a.m. to 4 p.m., Eastern Time.
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FSIS Web site:	http://www.fsis.usda.gov
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